

FIFTH JUDICIAL DISTRICT

**ADMINISTRATIVE ORDER
REGARDING THE RESUMPTION OF
HOUSING/EVICTION MATTER OPERATIONS**

WHEREAS, commencing in March 2020, as a result of the COVID-19 pandemic, national and state authorities instituted peacetime emergencies and imposed restrictions on filing and hearing of many residential eviction actions and issuance of writs of recovery;

WHEREAS, on April 14, 2020, Governor Tim Walz signed into law HF 4556. That law provides that “[t]he running of deadlines imposed by statutes governing proceedings in the district and appellate courts, including any statutes of limitations or other time periods prescribed by statute, is suspended during the peacetime emergency declared on March 13, 2020, in governor’s Executive Order 20-01 ... and for 60 days after the end of the peacetime emergency declaration.” Minn. HF 4556, sec. 16(a) (2020);

WHEREAS, Governor Tim Walz issued Executive Orders in an effort to “strike a balance between... maintaining public health and stability for residential tenants, the economic impacts of the COVID-19 pandemic on tenants, and the interests of housing providers to maintain and protect their properties...”;

WHEREAS, on June 29, 2021, Governor Tim Walz signed the Housing Omnibus Bill providing an off-ramp (“Off-Ramp Legislation”) and declaring the Governor’s Executive Orders null and void, effective following final enactment, to allow for transition off the current eviction moratorium, and providing temporary provisions for tenants to avoid eviction and lease terminations by helping to ensure renters have enough time to access federal funding for rental assistance. The bill requires landlords who intend to file an eviction for non-payment of rent to provide written notice along with information about rental assistance available to the tenant before filing an eviction to help ensure Minnesotans have time to access available assistance or plan for an orderly transition to a new home; and

WHEREAS, the Fifth Judicial District anticipates a large influx of new eviction case filings as restrictions are modified or lifted and court returns to full capacity. It also anticipates the need to process residential eviction cases which were filed prior to or during the restrictions imposed by the Governor’s various Executive Orders.

IT IS HEREBY ORDERED:

1. All Eviction Complaints filed after the date of this Order, must include a statement which addresses whether:
 - a. The premise is a “covered dwelling” subject to Section 4024 of the CARES Act.
 - b. The plaintiff is a “multifamily borrower” under forbearance subject to Section 4024 of the CARES Act; and
 - c. The plaintiff has provided the defendant with 30 days’ notice to vacate under Sections 4024(c) and 4023(e) of the CARES Act.
 - d. The plaintiff has complied with the Off-Ramp Legislation requiring all property owners, mortgage holders, or other persons seeking possession based on non-payment of rent to provide a written notice of intent to file an eviction action to the tenant at least 15 days prior to filing the action, or the specified notice period included in the lease, whichever is longer, and informing them that State eviction moratorium has ended and tenant may soon be subject to an eviction action, the total past due rent, and the tenant should visit renthelpmn.org or call 211 to see if they are eligible for financial assistance.
2. Judicial officers presiding over housing/eviction matters have the authority to develop the facts of the case, including whether or not the premises is a “covered dwelling,” the plaintiff is a “multifamily borrower” under forbearance subject to Sections 4024 and 4023 of the CARES Act, respectively, and whether proper notices have been given.
3. The Administrative Order Declaring Certain Housing/Eviction Matters Non-Public issued on October 12, 2020 remains in effect during the 105-day phase-out period of the Off-Ramp Legislation as follows:
 - a. Cases and case filings categorized as non-qualifying and made confidential shall be designated as Confidential² by Court Administration.
 - b. Cases and case filings categorized as non-qualifying and made confidential shall be made public once the matter qualifies for a hearing, is scheduled on a court calendar, and a summons issued.
4. Complaints that were filed during the peacetime emergency and which did not qualify for an exception to the Executive Orders suspending eviction actions shall be set for a hearing to dismiss and notice shall be given to the Landlord. The action shall be dismissed unless, prior to the hearing, the Landlord requests that the action continue and for the court to issue a summons.
5. Residential eviction actions will be scheduled as follows:

- a. Cases may be scheduled on block-style calendars with specific timeframes. Parties may have the option to participate in the hearings remotely (using telephone or Zoom) or in-person. Certain non-contested in-person hearings are temporarily subject to the Order of the Minnesota Chief Justice and the Fifth Judicial District will comply accordingly. Cases will also be set as authorized by the Off-Ramp Legislation.
 - b. Court administration shall issue a summons, commanding the person against whom the complaint is made to appear before the court on a day and at a place stated in the summons for all cases where an initial appearance has not been held.
 - c. For all cases that were previously scheduled for an initial appearance and filed prior to March 24, 2020 but had the initial appearance cancelled as a result of the peacetime emergency, service of the new summons shall be made in compliance with Minn. Stat. § 504B.331.
 - d. During the initial appearance the parties shall be notified of resources available to them. If parties request services, including legal advice and representation, emergency rental assistance or dispute resolution, the court will recess to allow the provision of such services if possible. If it is not possible to obtain requested services at the initial appearance, the case shall be given a seven (7) day continuance. Parties shall be given contact information for available services.
6. This Administrative Order remains in full force and effect until June 1, 2022 or otherwise rescinded or amended by a further court order.

Dated: July 16, 2021

BY THE COURT

Gregory Anderson
Chief Judge
Fifth Judicial District